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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **TACOMA DIVISION**

10 WILL CO. LTD. a limited liability company
11 organized under the laws of Japan,

12 Plaintiff,

13 vs.

14 KA YEUNG LEE, an individual; YOUHAHA
15 MARKETING AND PROMOTION
16 LIMITED, a foreign company; and, DOES 1-
17 20, d/b/a THISAV.COM,

18 Defendants

Case No. 3:20-cv-05802-BHS

**DECLARATION OF JANUS TAM, ON
BEHALF OF YOUHAHA MARKETING
AND PROMOTION LIMITED, IN
SUPPORT OF DEFENDANTS' REPLY
IN SUPPORT OF MOTION TO DISMISS
FOR LACK OF PERSONAL
JURISDICTION**

19 **DECLARATION OF JANUS TAM, ON BEHALF OF**
20 **YOUHAHA MARKETING AND PROMOTION LIMITED, IN SUPPORT OF**
21 **DEFENDANTS' REPLY IN SUPPORT OF MOTION TO DISMISS FOR LACK OF**
22 **PERSONAL JURISDICTION**

23 I, Janus Tam, declare and state as follows:

24 1. My name is Janus Tam, I am over the age of 18 years. I am the Secretary of
Defendant Youhaha Marketing and Promotion Limited ("YMP"), a limited company registered
in Hong Kong. YMP is the owner and operator of the website "ThisAV.com." I make this
declaration on behalf of YMP, based upon personal knowledge and, where applicable, my
consultation with other YMP personnel and my review of business records. All statements

DECLARATION OF JANUS TAM, ON BEHALF OF YOUHAHA MARKETING AND PROMOTION
LIMITED, IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS
FOR LACK OF PERSONAL JURISDICTION

1 contained in this declaration are true and correct to the best of my knowledge. If called as a
2 witness, I could and would testify as to the facts set forth in this declaration.

3 2. The “Privacy” page of ThisAV.com is located at the following URL:
4 <https://www.thisav.com/static/privacy>. This privacy page mistakenly makes reference to a
5 website “AWhere.com.”

6 3. Neither YMP nor ThisAV.com have any connection whatsoever with the website
7 AWhere.com, and the reference made to it on ThisAV.com’s privacy page was done by mistake
8 and should have referred to ThisAV.com instead of AWhere.com. I believe that this mistake was
9 made by the contractor who set up ThisAV.com many years ago and this contractor improperly
10 inserted the incorrect information referenced above.

11 4. The privacy page also mistakenly states that “ThiaAV.com [sic] is a website
12 available from its location in the United States of America.” This statement too was improperly
13 included by the contractor who set up ThisAV.com many years ago and was not written by
14 ThisAV.com. This statement is obviously incorrect as ThisAV.com is not, and has never been,
15 located in or operated out of, the United States of America.

16 5. This contractor also erroneously put language in ThisAV.com’s terms of service
17 (at the following URL: <https://www.thisav.com/static/terms>) stating that, “This Agreement shall
18 be governed by and construed in accordance with the laws of Republic of Panama, without
19 regard to conflicts of law principles. The sole and exclusive jurisdiction and venue for any action
20 or proceeding arising out of or related to this Agreement shall be in an appropriate state or
21 federal court located in the Republic of Panama.” ThisAV.com has no connections to Panama
22 and we certainly did not intend to be bound by the laws of Panama or subject to jurisdiction
23 there.

1 I declare under penalty of perjury that the foregoing facts are true and correct to the best of my
2 knowledge.

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4 Executed on April 14, 2021.

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7 Youhaha Marketing and Promotion Limited

8 By: Janus Tam

9 Title: Secretary
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